

REMARKS

Claims 7-20 were pending in the subject application. Applicants have hereinabove canceled claims 8-20, without prejudice to refiling these claims in a future patent application that claims the benefit of the subject application's filing date under 35 U.S.C. § 120. New claims 21-24 have been added hereinabove and support for each and every species claimed can be found throughout the specification and specifically on page 13, line 25 to page 18, line 32. Accordingly, claims 8 and 21-24 are currently pending in the subject application.

A notice was included to make changes to the drawings in the subject application. However, the subject application has no drawings. Applicants request that if there is a requirement to move any material into one or more drawings, then such requirement should be set forth in a subsequent Office Action and applicants will respond accordingly.

A restriction requirement was made under 35 U.S.C. § 121. Claim 7 appears to be in both of the restricted groups. Applicants have hereinabove canceled the other claims subject to the restriction requirement and added new claims 21-24. An election requirement was also made with respect to claims 7-20. Since such election requirement is envisioned to be made for the new claims, applicants elect to have the species octanoic acid 2-hydroxy-3-phosphonooxypropyl ester examined first. If this species is found patentable, applicants anticipate that the Patent Office will continue to search the presented species until either another species is found unpatentable or the generic claim (claim 7) is determined to be allowable. Procedures for making an election of species are described in MPEP 809.02. As set forth in MPEP

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809.02, the Patent Office is required to perform a search for all claims readable on the elected species. Neither the MPEP, nor the law, authorizes the Patent Office to fabricate a 'generic concept' that is to be carved out of existing claims.

If a telephone conference would be of assistance in furthering prosecution of the subject application, applicants request that the undersigned attorney be contacted at the number below.

No fee is required in connection with the filing of this Amendment. If any fees are deemed necessary, authorization is given to charge the amount of any such fee to Deposit Account No. 08-2525.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claims 8-20 were canceled.

New claims 21-24 were added.